

the
TIE YARD
OF OMAHA

8202 "F" Street • Omaha, NE 68127

E1-2356
CD

May 19, 2006

Mr. Mack D. Wiens
BNSF Railway Company
920 SE Quincy
P.O. Box 1738
Topeka, Kansas 66601

RE: Fulfillment of Salvage Conditions for Agreement for the Sale of Property Annexed to Real Estate (the "Contract") by and between BNSF Railway Company (BNSF) and Tie Yard of Omaha, Inc. (Purchaser) dated May 11, 2006, Contract Number BF40102, related to the salvage of property located in Clay, Hamilton and Merrick Counties in Nebraska.

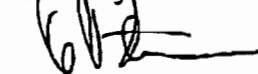
Mr. Wiens

Pursuant to the requirements of Section 6(d) and Exhibit D of the contract, Purchaser hereby certifies to BNSF that all of the Salvage Conditions as defined in the contract, have been met. The following actions to comply with these conditions have been taken:

1. The Nebraska State Historical Society (SHPO) has been contacted. No permits are required. TYO will monitor the removal operations and if any archaeological remains are uncovered, SHPO will be notified.
2. U.S. Fish and Wildlife (USFWS) has been consulted. No permits are required. If bridge removal takes place during the April 15 to August 15 time frame, which is unlikely, they will assist us in the protection and identification of nesting areas.
3. Bridge pilings and abutments will be removed to below river bed surface elevation. Any bank stabilization structures constructed will be removed.
4. Nebraska Game & Parks Commission has been contacted. No permits are required. Salvage activities will not occur during the February 15 to April 15 spring migration season. We will consult with Game & Parks should whooping cranes or bald eagles be observed during salvage operations.

Should any permits, filings or other government documents be generated with respect to this track removal, we will forward copies of same to you as they might occur. If you have any question concerning our operations, please feel free to contact me .

Sincerely



Terry Peterson
President